

The indictment is attached in PDF format



# Department of Justice

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## **HOLY LAND FOUNDATION, LEADERS, ACCUSED OF PROVIDING MATERIAL SUPPORT TO HAMAS TERRORIST ORGANIZATION**

WASHINGTON, D.C. - Attorney General John Ashcroft, FBI Executive Assistant Director John Pistole, Homeland Assistant Secretary for Immigration and Customs Enforcement Michael J. Garcia, and IRS Commissioner Mark Everson announced today that the Holy Land Foundation and seven of its leaders were indicted on Monday by a federal grand jury in Dallas, Texas on charges of providing material support to HAMAS, a designated foreign terrorist organization.

The indictment, which was unsealed earlier today, alleges the Holy Land Foundation for Relief and Development ("HLF"), of Dallas, Texas, was an organization created by, among others, defendants Shukri Abu-Baker, Mohammed El-Mezain, and Ghassan Elashi to provide financial and material support to the HAMAS movement. It is also alleged that, since 1995, HLF and its members have illegally sent \$12.4 million to support HAMAS and its goal of creating an Islamic Palestinian state by eliminating the State of Israel through violent jihad.

In addition to the charges of providing material support to a foreign terrorist organization, the 42-count indictment also charges the defendants with engaging in prohibited financial transactions with a Specially Designated Global Terrorist, money laundering, conspiracy and filing false tax returns. The indictment also seeks the forfeiture of \$12.4 million in HAMAS assets.

"To those who exploit good hearts to secretly fund violence and murder, this prosecution sends a clear message: There is no distinction between those who carry out terrorist attacks and those who knowingly finance terrorist attacks," said Attorney General John Ashcroft. "The United States will ensure that both terrorists and their financiers meet the same, certain justice."

As the U.S. Government began to scrutinize individuals and entities in the United States who were raising funds for terrorist groups in the mid-1990s, the indictment alleges that the Holy Land Foundation intentionally cloaked their financial support for HAMAS behind the mantle of charitable exercise. The indictment alleges that the Foundation and the defendants provided financial support to the families of HAMAS martyrs, detainees, and activists knowing and intending that such assistance would support HAMAS' terrorist infrastructure. In screening potential aid recipients and in providing funds, the defendants allegedly distinguished between needy Palestinian families generally, and those Palestinian families who had a relative

“martyred” or jailed as a result of terror activities. In some cases, the defendants allegedly targeted financial aid specifically for families related to well-known HAMAS terrorists who had been killed or jailed by the Israelis. In this manner, the defendants effectively rewarded past, and encouraged future, suicide bombings and terrorist activities on behalf of HAMAS. Since 1995, when it first became illegal to provide financial support to HAMAS, the Holy Land has allegedly provided over \$12,400,000 in funding to HAMAS through various HAMAS affiliated committees and organizations located in Palestinian-controlled areas and elsewhere.

The defendants are charged with violating the prohibition against providing “material support and resources” to a foreign terrorist organization. The “material support statute,” as it is commonly referred to, was enacted in 1996 as part of the Antiterrorism and Effective Death Penalty Act, and has become one of our most effective weapons in the government’s war on terrorist financing. The defendants are also charged with violating the International Emergency Economic Powers Act (“IEEPA”), which prohibits transactions that the Executive Branch has determined to be inimical to the national security of the United States, including transactions with HAMAS; as well as with money laundering and tax evasion.

HLF is alleged to have been so concerned about investigators uncovering the group’s intentions that the defendants followed a manual entitled “The Foundations Policies and Procedures.” The HLF followed security procedures outlined in the manual to include, as referenced in the indictment: hiring a security company to search the HLF for listening devices; ordering defendant Haitham Maghawri to take training on advanced methods in the detection of wiretaps; shredding documents after board meetings; and maintaining incriminating documents in off-site locations.

Besides the organization itself, the other defendants charged are: Shukri Abu Baker, the Secretary and Chief Executive Officer; Mohammed El-Mezain, the Director of Endowments; Ghassan Elashi, the Chairman of the Board; Haitham Maghawri, the Executive Director; Akram Mishal, the projects and grants director; Mufid Abdulqater, one of the HLF’s top fundraisers; and Abdulraham Odeh, the HLF’s New Jersey representative. Shukri Abu Baker, Mohammed El-Mezain, Ghassan Elashi, Mufid Abdulqater and Abdulraham Odeh were arrested this morning. Haitham Maghawri and Akram Mishal are not in the United States and are considered to be fugitives from justice.

Today’s charges are the result of a three-year investigation by the Joint Terrorism Task Force, involving agents from federal, state, and local agencies including: the FBI, IRS, BICE, Department of State, Secret Service, U.S. Army CID, the Texas Department of Public Safety, and the police departments of Dallas, Plano, Garland, and Richardson, Texas. The case is being prosecuted by the United States Attorney’s Office in Dallas, Texas, along with the Counterterrorism Section of the United States Department of Justice.

The details contained in the indictment are accusations and the defendants are presumed to be innocent unless and until proven guilty in a court of law.

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